

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

State of Minnesota, by its  
Attorney General Lori Swanson,

Civil File No. 12-145 RHK/JJK

Plaintiff,

v.

**AFFIDAVIT OF LOIS WEIHRAUCH**

Accretive Health, Inc.,

Defendant.

Lois Weihrauch, being first duly sworn on oath, state as follows:

1. My name is Lois Weihrauch. I am 53 years old and live in Eden Prairie. I grew up in Elrosa, and attended St. Cloud State University. I have over 30 years of experience working in the healthcare industry. Currently, I work at a large, national insurance company in its operations department. My work involves Medicare and Retirement services. Before working at my current employer, I worked at North Memorial Medical Center. While at North Memorial, I was in charge of the hospital's accounts receivable, collections, billing, and patient registration departments. I have decades of experience working with provider and payor healthcare issues. I have Medica insurance coverage through my employer. I am married with two adult sons.

2. In July of 2011, I was diagnosed with breast cancer. Since my diagnosis, I have had two rounds of chemotherapy, totaling 16 treatments. I have also been prescribed 33 rounds of radiation; 6 rounds remain. In August of 2011, I had two

surgeries related to my breast cancer. Both surgeries were at a Fairview Southdale Hospital.

3. My first surgery, a lumpectomy, was on August 11, 2011. I was not asked to pay anything during that visit. Then, on August 15, 2011, just four days after surgery, as I was recovering from surgery, I received a call at my home from a collector working for or on behalf of Fairview. I was very surprised to receive a collection call when I was recuperating from breast cancer surgery and trying to prepare for my next surgery just three days later, especially when I had insurance and had not even been given the chance to pay. The caller ID did not show that the caller was calling from a Fairview number. The caller, a woman, asked me why I did not pay my "bill" when I was at the hospital on August 11. I told the woman that I did not know that I owed anything. She told me that I needed to give her my credit card number over the phone. I told her that I would not give her my credit card number over the phone. I told her that I had a second surgery scheduled for August 18, 2011, and that I would pay whatever I owed at that time. Due to my breast cancer diagnosis, I knew that I was at or near my yearly out-of-pocket contribution at that time. Then, some time after 7:00 p.m. on August 17, 2011, I received another call from the same woman asking me to pay \$433.88 for my surgery the next morning. At the time the call came in, I was getting ready to be at the hospital at 6:00 a.m. the next morning, for my next breast cancer surgery. I was surprised to receive another call less than 12 hours before surgery and while I was prepping for the surgery.

4. My second breast cancer surgery took place at Fairview Southdale Hospital on the morning of August 18, 2011. When I registered at the hospital, I told the worker

that I had a bill that I was told to pay by a collector earlier in the week. I was told that I owed \$433.88 for my first surgery. I asked her how that amount was determined. She told me that they got the amount from my insurance plan, Medica. I told them that I did not think that number was right, but I paid Fairview \$433.88 from my health savings account. I received a receipt, a copy of which is attached, because I said I would not pay anything unless I was given a receipt. The receipt showed that \$433.88 was the "estimated amount" due by me on a surgery estimated to cost \$11,000.00. On August 22, Fairview deducted \$433.88 from my health savings account.

5. I started watching for my EOBs from Medica and any statements from Fairview. In late September, 2011, I received a statement from Fairview, stating that I owed \$98.09 for my August surgeries. I called the billing office number listed on the statement to discuss how I could owe additional money. The woman who answered the phone told me that I owed an additional \$98.09. I told her that I thought I had already hit my yearly out-of-pocket of \$3,200 by paying \$433.88 on August 18. She again asked me to pay \$98.09, and I refused. I told her that, according to the EOB I received from Medica, all I owed Fairview was \$98.09, and since I had already paid \$433.08, Fairview owed me a refund. The woman told me that I had two accounts with Fairview; one debit account in the amount of \$98.09, and one credit account in the amount of \$433.88. I asked the woman why I had not received a refund for the overpayment on my account. She told me, "We don't give overpayments back unless we receive a call from the patient asking for it back." I was appalled. I told her that I wanted my money back. She told

me, "It's your lucky day because I know how to do both transactions." I was again appalled. The money was ultimately returned to my health savings account on September 26, 2011.

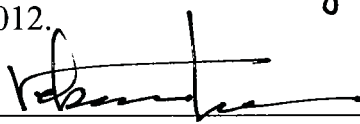
6. After my experience, I called a patient advocate at Fairview to discuss its collection practices. I told her about the collector call and the refund experience. She told me that Fairview is following directions imposed by "finance." I asked if she could have someone from Fairview who is involved in collections to call me back. She indicated that she would pass that along. I never got a call back.

7. While the care I was given by Fairview doctors was good, my experience with the registration staff, business office, and financial workers was appalling. In my 30 years of experience in the healthcare industry, including two years in patient registration and collections for a Twin Cities hospital and over 25 years working for various insurance companies, I have never heard of, nor experienced a situation like mine. I think it was terrible that I was getting calls immediately before and after breast cancer surgery about a bill I had never seen, and turns out, never owed. I think that constitutes harassment of people at their most vulnerable moments, and is wrong. In addition, I was appalled to be told by Fairview that its policy is not to return patient overcharges unless a patient asks for a refund. I have 30 years of healthcare experience, and it was even difficult for me, given that I was battling breast cancer, to get to the bottom of this

situation. I can only imagine how it is for patients who do not work in the healthcare industry.

  
LOIS WEIHRAUCH

Subscribed and sworn to before me  
this 7th day of May,  
2012.

  
Notary Public

